



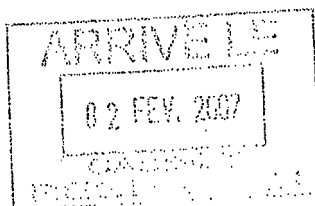
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| Reference 66041/23385 | Application No./Patent No. 03773147.8 - 1260 PCT/US0331518 |
| Applicant/Proprietor Advanced Bionutrition Corporation | |

Communication

The European Patent Office herewith transmits the partial supplementary European search report under Rule 46(1) EPC relating to the above-mentioned European patent application.

Copies of the documents cited in the supplementary search report are enclosed.

The applicant's attention is drawn to the following:

The Search Division informs the applicant that if the supplementary European search report is also to cover inventions other than the invention first mentioned in the claims, a further search fee must be paid for each of these inventions, within one month after notification of this communication.

For applications with an international filing date up to 30 June 1999, the amount payable for a search fee requested under Rule 46(1) EPC is EUR 869,-- (OJ EPO 2006, 495).

For applications with an international filing date between 1 July 1999 and 30 June 2005, the amount payable for a search fee requested under Rule 46(1) EPC is EUR 720,-- (OJ EPO 2006, 495).

- ☐ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

Note to users of the automatic debiting procedure:

Unless the EPO receives prior instructions to the contrary, the search fee(s) will be debited on the last day of the period for payment. For further details see the Arrangements for the automatic debiting procedure, Supplement No.2 to Official Journal No.01/2005.





European Patent
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SUPPLEMENTARY

PARTIAL EUROPEAN SEARCH REPORT

Application Number

under Rule 46, paragraph 1 of the European Patent Convention EP 03 77 3147

| DOCUMENTS CONSIDERED TO BE RELEVANT | | | |
|--|---|----------------------------------|--|
| Category | Citation of document with indication, where appropriate, of relevant passages | Relevant to claim | CLASSIFICATION OF THE APPLICATION (IPC) |
| X | WO 99/65327 A (GIST.BROCADES) 23 December 1999 (1999-12-23) * page 14, lines 4-10 * ----- | 1-3, 43 | INV. A01K67/00 A01K67/033 A01K61/00 A23K1/14 A23K1/16 |
| X | WO 01/50883 A (HJALTASON) 19 July 2001 (2001-07-19) * page 2, lines 12,13 * * page 5, lines 21-24 * ----- | 1-3 | |
| | | | TECHNICAL FIELDS SEARCHED (IPC) |
| | | | A01K A23K |
| LACK OF UNITY OF INVENTION | | | |
| <p>The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:</p> <p>see sheet B</p> <p>The present partial European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims.</p> | | | |
| Place of search | | Date of completion of the search | Examiner |
| The Hague | | 22 January 2007 | von Arx, Vik |
| <p>CATEGORY OF CITED DOCUMENTS</p> <p>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</p> <p>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document</p> | | | |



European Patent
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LACK OF UNITY OF INVENTION
SHEET B

Application Number
EP 03 77 3147

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 1-3, 34-37 and 43 insofar as this method includes the use of high-DHA shrimp

Aquaculturally-raised shrimp comprising an elevated DHA level and a method of making said shrimp using a feed comprising DHA and a method of using the shrimp to feed a human or non-human animal.

2. claims: 4-6, 38, 39 and 43 insofar this method includes the use of high carotenoid shrimp

Aquaculturally-raised shrimp comprising an elevated level of carotenoids and a method of making said shrimp using a feed comprising carotenoids and a method of using the shrimp to feed a human or non-human animal.

3. claims: 7-11 and 40-42

Aquaculturally-raised shrimp comprising a flavour enhancer and a method of making said shrimp using a feed comprising a flavour enhancer.

4. claims: 12-14 and 43 insofar this method includes the use of low cholesterol shrimp

Aquaculturally-raised shrimp comprising lower levels of cholesterol and a method of using the shrimp to feed a human or non-human animal.

5. claims: 15-17

Aquaculturally-raised shrimp comprising a defined DHA/EPA ratio.

6. claims: 18-22 and 43 insofar this method includes the use of Organic shrimp

Aquaculturally-raised shrimp fed a diet including (organic) hydrolyzed plant protein and microalgae.

7. claims: 23-25

A shrimp feed comprising red rice yeast.



European Patent
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LACK OF UNITY OF INVENTION
SHEET B

Application Number
EP 03 77 3147

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

8. claims: 26-33

A shrimp feed comprising components chosen from DHA, lutein, lycopene, zeaxanthin, bromophenols, and chlorophyll.

Aquaculturally-raised shrimp and feed for such shrimp are well known.

The special technical feature(s), as defined in Rule 30 EPC, of the groups 1 to 6 are shrimp with elevated DHA levels (Group 1), with elevated carotenoid levels (Group 2), comprising a flavour enhancer (Group 3), with lower cholesterol levels (Group 4), comprising a particular DHA/EPA ratio (Group 5) and fed with plant protein or micro algae (Group 6).

The special technical feature, as defined in Rule 30 EPC, of Group 7 is directed to a shrimp feed comprising red rice yeast and the special technical feature, as defined in Rule 30 EPC, of Group 8 is drawn to a feed comprising components chosen from DHA, lutein, lycopene, zeaxanthin, bromophenols, and chlorophyll.

It is clear that the 8 claimed inventions can be applied independently of each other, i.e they are not necessarily inter-related: the shrimps of groups 1 to 6 can exist independently of each other and of the different feeds of groups 7 and 8, which are, per se, not necessarily used to produce any of the shrimp of Groups 1 to 6.

No same or similar special technical features can be determined and different underlying problems (supplying shrimp with high DHA levels, high carotenoid levels, etc...) are solved.

It appears therefore that no technical relationship between the various claimed inventions exists involving one or more of the same or corresponding special technical features, beside the common and already well known feature of an aquaculturally-raised shrimp and feed therefor as disclosed in at least one of the documents cited in the description and in the search reports. The eight groups of claims are thus not so linked as to form a single general inventive concept.

ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO.

EP 03 77 3147

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
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22-01-2007

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